

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:

KARTIK P. PATEL

8457 Samra Drive

West Hills, CA 91304

Traffic Engineer License No. TR 2132,

Respondent.

Case No. 936-A

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on June 17, 2011.

IT IS SO ORDERED May 12, 2011.

Original Signed

BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND
9 **GEOLOGISTS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 936-A

12 **KARTIK P. PATEL**
13 **8457 Samra Road**
West Hills, CA 91304
14 **Traffic Engineer License No. TR 2132**

OAH No. 2010120946

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Joanne Arnold (Complainant) is the Acting Executive Officer of the Board for
21 Professional Engineers, Land Surveyors, and Geologists. She brought this action solely in her
22 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the
23 State of California, by Rene Judkiewicz, Deputy Attorney General.

24 2. Respondent Kartik P. Patel (Respondent) is represented in this proceeding by attorney
25 Mr. Benjamin Fenton, whose address is: Fenton & Nelson, LLP, 11835 W. Olympic Boulevard,
26 Suite 925, Los Angeles, California 90064.

27 3. On or about December 14, 2001, the Board issued Traffic Engineer License No. TR
28 2132 to Respondent. The Traffic Engineer License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 936-A, and will expire on March 31, 2012.
2 unless renewed.

3 JURISDICTION

4 4. Accusation No. 936-A was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on August 2, 2010. Respondent timely filed his Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 936-A is attached as exhibit A and incorporated herein by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 936-A. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 936-A.

26 9. Respondent agrees that his Traffic Engineer License is subject to discipline and he
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
28 below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the Board staff may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Traffic Engineer License No. TR 2132, issued to Respondent Kartik P. Patel revoked. However, the revocation is stayed, and Respondent is placed on probation for a period equal to the remainder of his criminal probation or a period of five (5) years, whichever is greater, on the following terms and conditions.

///

1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and
2 regulations related to the practice of professional engineering.

3 2. **Quarterly Reports.** Within thirty (30) days of the effective date of the decision, and
4 then continuing on a quarterly basis for the remainder of the probationary period, Respondent
5 must submit reports to the Board regarding his progress in settling the money he owes as part of
6 his criminal probation and verifiable proof that he is in compliance with his criminal probation,
7 including a report from his criminal probation officer.

8 3. **Special Reports.** Respondent shall submit such special reports as the Board may
9 require.

10 4. **Tolling of Probation.** The period of probation shall be tolled during the time
11 Respondent is practicing exclusively outside the state of California. If, during the period of
12 probation, Respondent practices exclusively outside the state of California, Respondent shall
13 immediately notify the Board in writing.

14 5. **Violation of Probation.** If Respondent violates the probationary conditions in any
15 respect, the Board, after giving Respondent notice and the opportunity to be heard, may vacate
16 the stay and reinstate the disciplinary order which was stayed. If, during the period of probation,
17 an accusation or petition to vacate stay is filed against Respondent, or if the matter has been
18 submitted to the Office of the Attorney General for the filing of such, the Board shall have
19 continuing jurisdiction until all matters are final, and the period of probation shall be extended
20 until all matters are final.

21 6. **Cost Recovery.** Within three (3) years of the effective date of the decision,
22 Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in
23 the amount of \$1,935.00. Said reimbursement may be paid in installments.

24 7. **Examination.** Within sixty (60) days of the effective date of the decision,
25 Respondent shall successfully complete and pass the California Laws and Board Rules
26 examination, as administered by the Board.

27 8. **Ethics Course.** Within three (3) years of the effective date of the decision,
28 Respondent shall successfully complete and pass the course "Intermediate Studies in Engineering

1 Ethics" as offered through correspondence by the Murdough Center for Engineering
2 Professionalism, Texas Tech University. Respondent may select an equivalent professional ethics
3 course; however, any alternate professional ethics course must be approved in advance by the
4 Board or its designee. Respondent must provide the Board with verifiable proof of his successful
5 completion of the professional ethics course.

6 9. **Notification.** Within 30 days of the effective date of the decision, Respondent shall
7 provide the Board with evidence that he has provided all persons or entities with whom he has a
8 contractual or employment relationship relating to professional engineering services with a copy
9 of the decision and order of the Board, and shall provide the Board with the name and business
10 address of each person or entity required to be so notified. During the period of probation,
11 Respondent shall be required to provide the same notification to each new person or entity with
12 whom he has a contractual or employment relationship relating to professional engineering
13 services, and shall report to the Board the name and address of each person or entity so notified.

14 10. **Completion of Probation.** Upon successful completion of all of the probationary
15 conditions and the expiration of the period of probation, the Respondent's license shall be
16 unconditionally restored.

17
18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Mr. Benjamin Fenton. I understand the stipulation and the effect it
21 will have on my Traffic Engineer License. I enter into this Stipulated Settlement and Disciplinary
22 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
23 of the Board for Professional Engineers, Land Surveyors, and Geologists.

24
25 DATED: APRIL 5, 2011 Original Signed
26 KARTIK P. PATEL
27 Respondent
28

1 I have read and fully discussed with Respondent Kartik P. Patel the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
3 its form and content.

4 DATED: 4/7/11

Original Signed

Mr. Benjamin Renton
Attorney for Respondent

6
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board for Professional Engineers, Land Surveyors, and
10 Geologists of the Department of Consumer Affairs.

11 Dated: March 21, 2011

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

15 *Original Signed*

16 RENE JUDKIEWICZ
17 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 936-A

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
4 State Bar No. 141773
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 936-A

11 **KARTIK P. PATEL**
12 **8457 Samra Road**
13 **West Hills, CA 91304**
Traffic Engineer License No. TR 2132

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors (Board),
20 Department of Consumer Affairs.

21 2. On or about December 14, 2001, the Board issued Traffic Engineer License Number
22 TR 2132 to Kartik P. Patel (Respondent). The Traffic Engineer License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on March 31, 2012,
24 unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board for Professional Engineers and Land
27 Surveyors (Board) under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

6. Section 6775 of the Code states, in pertinent part, that “[t]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

“(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.

“(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.”

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

8. Respondent is subject to disciplinary action under sections 490 and 6775, subdivision (a) of the Code in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer. The circumstances are as follows:

a. On or about November 5, 2008, in *People v. Murillo* (Super. Ct. Los Angeles County, 2008, No. BA314744), Respondent pleaded guilty to and was convicted of the felony of computer intrusion to alter or destroy data, in violation of Penal Code section 502, subdivision (c)(4). This felony was alleged as count 1 of a six-count criminal complaint. The criminal court sentenced Respondent to informal diversion, requiring Respondent to perform 240 hours of community service and make restitution. The criminal court further ordered that if Respondent complied with the terms in his plea agreement, his sentence may be reduced to a misdemeanor in one year.

b. On or about November 30, 2009, in *People v. Murillo* (Super. Ct. Los Angeles County, 2008, No. BA314744), the criminal court ordered count 1 deemed amended to allege a misdemeanor, and convicted Respondent thereof.

c. The factual basis for the criminal prosecution was that on or about August 21, 2006, Respondent and a co-worker, traffic engineer Gabriel Anthony Murillo, when employed by the City of Los Angeles Automated Traffic Surveillance Center, accessed the city's computer system and manipulated the traffic signal system in a manner so as to cause significant traffic delays at major intersections.

SECOND CAUSE FOR DISCIPLINE

(Deceit, Misrepresentation or Fraud)

9. Respondent is subject to disciplinary action under section 6775, subdivision (b) of the Code in that Respondent engaged in deceit, misrepresentation or fraud in his practice as a licensed traffic engineer. Complainant refers to and by this reference incorporates the allegations set for in paragraph 8, subparagraphs (a) through (c) inclusive, above, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Traffic Engineer License Number TR 2132, issued to Respondent Kartik P. Patel;

1 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to Code section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.
4
5

6
7 DATED: 7/8/10

Original Signed

8 ~~DAVID E. BROWN~~
9 Executive Officer
10 Board for Professional Engineers and Land Surveyors
11 Department of Consumer Affairs
12 State of California
13 *Complainant*

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